IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13511 of 2004

Between:

K. Narsimha S/o Beerappa
R/o Nemili Kalva Post Nagaram Valigonda Mandal Nalgonda District

..... PETITIONER

AND

1 The Presiding Officer, Industrial Tribunal-II, Hyderabad
2 The Depot Manager, APSRTC, Kushaiguda Bus Depot
Kushaiguda, Ranga Reddy District
3 The Divisional Manager, Hyderabad Division (BR), APSRTC, Dilsukhnagar Hyderabad
4 The Depot Manager, Uppal Depot, APSRTC., Uppal, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or Writ particularly one in the nature of Writ of Certiorari, after calling for the records quash the Award passed in I.D. No. 29 of 2001 (Old I.D. No. 452/2000., L.C.-I I.d. No. 128/98, L.C-III) dated 17-1-2002 and restore I.D. No. 29 of 2001 back to its file on the file of the Hon'ble Industrial Tribunal-II, Hyderabad for fresh adjudication on merits writ.

For the Petitioner: MR.G.VIDYASAGAR

For the Respondent No.1: GP FOR LABOUR

For the Respondent Nos. 2 to 4: MR. K.HARINATH, SC FOR APSRTC

The Court made the following:

ORAL ORDER:

The petitioner worked as a driver in the respondents-Corporation. The case of the petitioner is that on 15-10-1989, while he was driving the vehicle bearing No. AAZ-4183, met with an accident and that the police foisted a case and arrested him. On the basis of the alleged accident, the respondents-corporation leveled certain charges against the petitioner and also issued a show case notice dated 16-07-1992. Pursuant to the same, the petitioner submitted his explanation at the time of personal hearing on 27-11-1992. Subsequently, the 3rd respondent-Divisional Manager, removed the petitioner from service vide proceedings dated 23-2-1993. Aggrieved by the same, he preferred an appeal to the concerned authority and the same was also rejected by order dated 13-5-1997. Challenging the order dated 13-05-1997, he filed I.D.No. 128 of 1998, on the file of the Labour Court III, Hyderabad, and on account of his transfer to another unit, the case was transferred to Labour Court I, Hyderabad and renumbered as I.D.No.452 of 2000 and that it was again transferred to Industrial Tribunal II Hyderabad, and renumbered as I.D. No.29 of 2001. The petitioner submits that when the matter was posted for enquiry, he could not attend the Court due to communication gap between himself and his counsel and that the case was dismissed for default by order dated 17-1-2002, vide notification of the Government dated 15-2-2002. The grievance of the petitioner is that he could not file any application to set aside the default order dated 17-01-2002, within the statutory period of thirty days. Therefore, he filed this writ petition to set aside the award of the Tribunal dated 17-1-2002 and give him an opportunity to adduce evidence in the enquiry and for fresh disposal of the case on merits.

Heard both the Counsel appearing for petitioner and the respondents.

In view of the circumstances explained by the petitioner, the award of the 1st respondent dated 17-1-2002 is set aside. The 1st respondent is directed to restore the I.D.No.29 of 2001 to its original file after giving an opportunity to both parties, and pass appropriate award on merits.

The Writ Petition is accordingly allowed. No costs.

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02-08-2004

es/mjl

To

1 The Presiding Officer, Industrial Tribunal-II, Hyderabad.
2 The Depot Manager, APSRTC, Kushaiguda Bus Depot
Kushaiguda, Ranga Reddy District.
3 The Divisional Manager, Hyderabad Division (BR), APSRTC, Dilsukhnagar Hyderabad
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